

CHILD RESTRAINT DEVICE AMENDMENTS

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Christopher N. Herrod

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies the Motor Vehicle Safety Belt Usage Act by amending provisions relating to child restraint device requirements.

Highlighted Provisions:

This bill:

- ▶ provides that an operator of a motor vehicle is exempt from the requirement to use a child restraint device to restrain a person who is five years of age or older but younger than eight years of age if the operator of the motor vehicle is operating a motor vehicle on a road that has a posted speed limit of 45 miles per hour or less;

- ▶ provides that an operator of a vehicle shall provide for the protection of the person who is five years of age or older but younger than eight years of age by securing the person in a properly adjusted and fastened safety belt; and

- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

41-6a-1803, as last amended by Laws of Utah 2008, Chapter 160



28 **41-6a-1805**, as renumbered and amended by Laws of Utah 2005, Chapter 2

29

30 *Be it enacted by the Legislature of the state of Utah:*

31 Section 1. Section **41-6a-1803** is amended to read:

32 **41-6a-1803. Driver and passengers -- Seat belt or child restraint device required.**

33 (1) (a) The operator of a motor vehicle operated on a highway shall:

34 (i) wear a properly adjusted and fastened safety belt;

35 (ii) provide for the protection of each person younger than eight years of age by using a
36 child restraint device to restrain each person in the manner prescribed by the manufacturer of
37 the device; and

38 (iii) provide for the protection of each person eight years of age up to 16 years of age
39 by securing, or causing to be secured, a properly adjusted and fastened safety belt on each
40 person.

41 (b) Notwithstanding the requirement under Subsection (1)(a)(ii), a child under eight
42 years of age who is 57 inches tall or taller:

43 (i) is exempt from the requirement in Subsection (1)(a)(ii) to be in a child restraint
44 device; and

45 (ii) shall use a properly adjusted and fastened safety belt as required in Subsection
46 (1)(a)(iii).

47 (c) Notwithstanding the requirement under Subsection (1)(a)(ii), a person is not
48 required to use a child restraint device to restrain a person who is five years of age or older but
49 younger than eight years of age if the operator of the motor vehicle:

50 (i) is operating the motor vehicle on a road that has a posted speed limit of 45 miles per
51 hour or less; and

52 (ii) provides for the protection of a person described in this Subsection (1)(c) by
53 securing, or causing to be secured, a properly adjusted and fastened safety belt on the person.

54 (2) A passenger who is 16 years of age or older of a motor vehicle operated on a
55 highway shall wear a properly adjusted and fastened safety belt.

56 (3) If more than one person is not using a child restraint device or wearing a safety belt
57 in violation of Subsection (1), it is only one offense and the driver may receive only one
58 citation.

59 (4) For a person 19 years of age or older who violates Subsection (1)(a)(i) or (2),
60 enforcement by a state or local law enforcement officer shall be only as a secondary action
61 when the person has been detained for a suspected violation of Title 41, Motor Vehicles, other
62 than Subsection (1)(a)(i) or (2), or for another offense.

63 Section 2. Section **41-6a-1805** is amended to read:

64 **41-6a-1805. Penalty for violation.**

65 (1) (a) A person who violates Section 41-6a-1803 is guilty of an infraction and shall be
66 fined a maximum of \$45.

67 (b) The court shall waive all but \$15 of the fine for a violation of Section 41-6a-1803 if
68 a person:

69 (i) shows evidence of completion of a two-hour course approved by the commissioner
70 of the Department of Public Safety that includes education on the benefits of using a safety belt
71 and child restraint device; and

72 (ii) if the violation is for an offense under Subsection 41-6a-1803(1)(~~b~~)(a)(ii),
73 submits proof of acquisition, rental, or purchase of a child restraint device.

74 (2) Points for a motor vehicle reportable violation, as defined under Section 53-3-102,
75 may not be assessed against a person for a violation of Section 41-6a-1803.

Legislative Review Note
as of 6-24-10 9:03 AM

Office of Legislative Research and General Counsel

FISCAL NOTE

H.B. 258

SHORT TITLE: Child Restraint Device Amendments

SPONSOR: Herrod, C.

2011 GENERAL SESSION, STATE OF UTAH

STATE GOVERNMENT (UCA 36-12-13(2)(b))

Enactment of this bill may reduce Federal Funds revenue to the Department of Public Safety by \$134,000. Costs for associated pass-through grants and awareness campaigns would also cease.

STATE BUDGET DETAIL TABLE

	FY 2011	FY 2012	FY 2013
Revenue:			
Federal Funds	\$0	(\$134,000)	(\$134,000)
Total Revenue	\$0	(\$134,000)	(\$134,000)
Expenditure:			
Federal Funds	\$0	(\$134,000)	(\$134,000)
Total Expenditure	\$0	(\$134,000)	(\$134,000)
Net Impact, All Funds (Rev.-Exp.)	\$0	\$0	\$0
Net Impact, General/Education Funds	\$0	\$0	\$0

LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))

Local governments may no longer receive pass-through grants for public awareness campaigns and may experience a decrease fine revenue.

DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))

An unknown number of individuals can expect some decrease in fines.